

WASTE STREAM CHRONICLE



CONDITIONAL EXCLUSION FROM STORM WATER PERMITTING BASED ON "NO EXPOSURE" OF INDUSTRIAL ACTIVITIES TO STORM WATER

In 1990, storm water regulations for Phase I of the federal program defined 11 categories of industrial activities that were required to obtain a National Pollutant Discharge Elimination System (NPDES) permit. Industries were listed by Standard Industrial Classification Code (SIC) or by a narrative description of activity at the site. Only industries with a storm water discharge to a municipal separate storm sewer system (MS4) or the waters of the United States were required to seek permit coverage.

Under Phase I, facilities within Category (xi), were exempted from storm water permitting if they did not have materials or activities exposed to precipitation or runoff.

In 1992, EPA was remanded to further rulemaking for the "No Exposure" exemption. Revisions to 40 CFR 122.26(g) allow industrial facilities to take advantage of the permitting exclusion with the submittal of certification to the permitting authority. The certification requirement applies to all industrial facilities claiming a condition of "no exposure"- including the Category (xi) facilities which previously were not required to submit anything to be excluded from permitting requirements.

The exclusion is available on a facility-wide basis. Generally, if there are any exposed material(s) or activities taking place on any portion of a facility, the exclusion is not available.

If the permitting authority determines a facility's storm water discharges have a reasonable potential to cause or contribute to a violation of applicable water quality standards the permitting authority can deny the "no exposure" exclusion.

If changes at a facility result in industrial activities or materials becoming exposed, the "no exposure" exclusion ceases to apply. Coverage under an appropriate permit must be applied for at least two days prior to change(s) that cause(s) the condition of "no exposure" to cease to exist.

Past sources of storm water contamination that remain on site cause a condition of exposure.

"No exposure" means all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt and/or runoff.

The intent of the exclusion is to promote a condition of permanent "no exposure". The following industrial materials do not require storm-resistant shelter: drums, barrels, tanks and similar containers; above ground storage tanks (ASTs); lidded dumpsters; adequately maintained vehicles; and final

products built and intended for outdoor usage.

Certifying a condition of "No Exposure" requires the submission of NPDES Form 3510-11. Available at: <http://epa.gov/owmitnet/sw/ph ase2/app4.pdf>.

You qualify for the "no exposure" exclusion only if you are able to answer "no" to all questions. The certification must be completed and submitted to your permitting authority once every five years and can be done only if the condition of "no exposure" continues to exist at the facility. The form is non-transferable.

The "No Exposure" Certification must be submitted to:
**Storm Water "No Exposure" Certification,
U.S. Environmental Protection Agency,
Ariel Rios Building (4203),
1200 Pennsylvania Ave. NW,
Washington, DC 20460**



CITY OF TEMPE STORM WATER MANAGEMENT PROGRAM

We continue to monitor outfalls designated in our NPDES permit for municipal separate storm sewer system (MS4) outlined in 40 CFR 122.259(d)(2)(iv). The program is a collection of Best Management Practices (BMPs) selected to monitor storm water discharges, identify any pollutants of concern and their sources, and reduce pollution to the Maximum Extent Practicable (MEP).

We are required to inspect industrial facilities covered by individual or general NPDES storm water permits and review the Industrial Storm Water Pollution Prevention Plans (SWPPPs) to determine compliance status of the facility. Appropriate actions to ensure compliance by industrial facilities will be taken. Instances of noncompliance with NPDES permits shall be reported to ADEQ and EPA Region 9 if the City is not successful in obtaining compliance by the facility.

REVIEW OF LOCAL LIMITS

The National Pretreatment Program was established to regulate the introduction of pollutants from non-domestic sources into Publicly Owned Treatment Works (POTWs). Discharges targeted for regulation include those which will interfere with the operation of a POTW, including interference with its sludge digestion process, sludge use or disposal, which will pass through the treatment works; or which are otherwise incompatible with such works.

To accomplish these objectives the Pretreatment Program relies on pollution control in the form of three major strategies. National categorical standards, Prohibited discharge standards - General and Specific Prohibitions and local limits.

The rationale behind the three-part strategy is, that categorical standards provide nationally uniform effluent limits affording technology based protection from discharges of specific industrial categories. Prohibited discharges recognize the site-specific nature of these problems and provide guidelines for all industrial dischargers not just those within specific categories. Development and implementation of local limits is a critical means of ensuring that pretreatment standards protecting the POTW and local receiving environment are applied.

The statutory basis for the development of the National Pretreatment Program is derived from the Clean Water Act of 1972. Section 307 of the Act required the

EPA to develop pretreatment standards to prevent the discharge of pollutants "which interfere with, pass through, or are otherwise incompatible with POTWs". The Act was amended in 1977, and more pretreatment requirements added in Section 402. At that time, POTWs became responsible for establishing local pretreatment programs to ensure compliance with the pretreatment standards.

Local Limits development requires a POTW to use site-specific data to identify pollutants of concern which might be discharged in quantities sufficient to cause plant or environmental problems. The identification of pollutants of concern takes place through a characterization of industrial discharges; monitoring plant influent, effluent and sludge; and reviewing pollutant effects on plant operations and the environment.

Implementation of the characterization has begun with a contract being given to Malcolm Pirnie. Pollutants of concern in Tempe include:

Total Dissolved Solids (TDS), Total Suspended Solids (TSS), and BOD (Biochemical Oxygen Demand).



REPORTS OF POTENTIAL PROBLEMS

According to the City Pretreatment Ordinance, "Any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall **immediately** telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective action taken by the user."

"Within five days following such discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article."

Additionally, "A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge as described above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure."

To phone in this information call either: (480) 350-22678 during regular work hours or (480) 350-2669 (24 hours).

You are able to report pH violations and minor non-compliance issues by filling out the Notice of Violation form on our website. Click on the arrow to Violation Notice. This does not preclude the necessity of reporting by phone, but it makes it easier to insure that you have all the required information at hand when making these required reports.

The web address is:

www.tempe.gov/env/pretreatment/html/

If you have suggestions or questions for future articles or would like to be added to the mailing list, please contact Tamara Bednarik at (480) 350-2689.

ENVIRONMENTAL SERVICES DIVISION STAFF CONTACTS

Deputy Water Utilities Manager:

Bill Coughlin (480) 350-8200

Environmental Compliance

Supervisor:

Alan Jensen (480) 350-2644

Environmental Services

Support Staff:

Diana Sechrist (480) 350-2678

Administrative Assistant II

Emily Tellez (480) 350-2690

Administrative Assistant II

Environmental Investigators:

Mike Golden (480) 350-2674

Lupe Hernandez (480) 350-2649

Ray Hagen (480) 350-2852

Eric Staedicke (480) 350-2646

Tamara Bednarik (480) 350-2689

Lead Environmental Technician:

Frank Valles (480) 350-2691

Environmental Technicians:

Ernie Frasquillo (480) 350-2645

David Manning (480) 858-2223

Household Products Collection Center:

Environmental Program Specialist:

David Tavares (480) 858-2223

City of Tempe Internet Address:

www.tempe.gov

Environmental Section Address:

www.tempe.gov/env/default.htm

City of Tempe

Environmental Services Division

P.O. Box 5002

255 E. Marigold Lane

Tempe, AZ 85280



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